

NO. 83-1372

Supreme Court, U.S.  
FILED

MAR 19 1984

ALEXANDER L. STEVAS  
CLERK

IN THE

**SUPREME COURT OF THE UNITED STATES**  
**OCTOBER TERM, 1983**

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C & H TRANSPORTATION CO., INC.,

Petitioner

VS.

JENSEN AND REYNOLDS CONSTRUCTION  
COMPANY AND PAR INDUSTRIES, INC.,

Respondents

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**REQUEST FOR DAMAGES BY**  
**PAR INDUSTRIES, INC.**

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Barry J. Brooks  
Frank C. Brooks  
BROOKS & BROOKS  
8300 Douglas, Suite 800  
Dallas, Texas 75225  
(214) 373-9175

Attorneys for Respondent  
Par Industries, Inc.

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TO THE COURT:

This reply is filed on behalf of Par Industries, Inc. (Par), to the Petition for Writ of Certiorari of C & H Transportation Co., Inc. (C&H). The other respondent to this action is Jensen & Reynolds Construction Company (Jensen).

In prosecuting this Petition for Writ of Certiorari, C&H has again failed to realize the basis for dismissing Par from the suit for lack of personal jurisdiction was entirely different from the basis applied to Jensen. Rather than address this difference, C&H continues to try to combine the two dismissals under the same standard. To this extent, the appeal of the portion of the decision concerning Par must be deemed frivolous and vexatious.

U. S. Sup. Ct. Rule 50.4, 28 U.S.C.A., prevents Par from having the expenses of printing its reply taxed against C&H. However, U. S. Sup. Ct. Rule 49.2, 28 U.S.C.A., allows this Court to award Par damages where the Petition for Writ of Certiorari is frivolous. Pursuant to this latter rule, Par requests this Court award it damages, expenses, and attorney's fees, in the amount of \$2,500.00, which will help defray and offset the costs incurred by Par in defending a decision based on applicable legal principals which C&H has failed to comprehend.

Respectfully submitted,

Barry J. Brooks  
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(214) 373-9175

Attorneys for Respondent  
Par Industries, Inc.

CERTIFICATE OF SERVICE

I certify a copy of this Request for Damages has been served upon Counsel for Petitioner, Mr. Ralph W. Pulley, Jr., 1200 Union Bank & Trust Tower, 5950 Berkshire Lane, Dallas, Texas, 75225, and Counsel for Respondent, Mr. David M. Taylor, 2001 Bryan Tower, Suite 1000, Dallas, Texas, 75201, by First Class Mail, postage prepaid, this 21st day of March, 1984.

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Barry J. Brooks